

REMARKS

Assignee submits that the present amendment is fully responsive to the Office Action dated August 1, 2011 and, thus, the application is in condition for allowance.

By this reply, no claims have been amended. Claims 1-3, 5-6, 8-12, 14-15, 17, 19, 21-22, and 24-26 remain pending. Of these, claims 1, 10, and 19 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 1, 10, and 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen et al. (US Pub. App. No. 2003/0103484) in view of Kerdraon et al. (US Pub. App. No. 2007/0118629) and Agarwal (US Pat. No. 7,010,699). It is asserted the Oommen discloses substantially the same subject disclosure as recited in the pending claims except for applying the device identifier to a deny database including a list of devices to deny access to network services and that the location includes a logical location. It is further asserted that Kerdraon and Agarwal disclose these features, and official notice is taken that firewalls including a black list are well known in the art. Assignee respectfully traverses.

With respect to independent claims 1 and 10, neither Oommen, nor Agarwal, nor any other related art of record, alone or in combination, discloses or fairly suggests the subject disclosure as recited in the pending claims. For example, Oommen and Agarwal fail to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These features are recited in independent claims 1 and 10 and are supported, for example, in paragraphs [0054], [0076] and [0077] of the disclosure, as published. Furthermore, Kerdraon does not qualify as a reference under any section of §102, as discussed below in

further detail. The customer care facility may interact with the DM to determine whether the last used status indicates the device is lost, stolen, or malfunctioning. *See* ¶ [0077], Pub. App. The customer care facility may interact with the deny database to determine whether service requests originating from the device should be granted or denied. *Id.* For example, if the device status indicates a lost or stolen device, the network may set permissions that deny access to most or all services, with the possible exception of limited customer care services *See* ¶ [0054], Pub. App.

Oommen discloses an apparatus, which can exchange configuration indicia associated with a mobile node. *See* Oommen, ¶ [0017],[0018]. However, there is nothing in Oommen which teaches or fairly discloses wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. Therefore, Oommen does not include every feature of the subject disclosure, as claimed.

Furthermore, Kerdraon cannot cure the deficiencies of Oommen because Kerdraon does not qualify as “prior art” under any sections of 35 U.S.C. §102. Kerdraon claims priority to PCT/FR04/02990 filed November 23, 2004, which is after the filing date (January 22, 2004) of the present application. The prior filed French application for Kerdraon is inapplicable for priority purposes under § 102. Furthermore, the present application claims priority to a provisional patent application filed December 3, 2003, which predates Kerdraon completely. *See* ¶ [0001], Pub. App. Thus, the present application claims priority to an earlier date than the earliest date Kerdraon may qualify as a reference. Therefore, Kerdraon does not qualify as “prior art” under any section of

35 U.S.C. §102. As such, Kerdraon cannot be used to cure the deficiencies of Oommen. Therefore, Kerdraon cannot be used to cure the deficiencies of Oommen.

Moreover, the Official Notice cannot cure the deficiencies of Oommen. Filters and firewalls may include a black list, but the deny database is not a generic black list. Moreover, Assignee has amended the claims to include denying access to network services other than customer services upon the device identifier appearing in the deny database. Black lists are known to block all communication. The subject disclosure, as claimed, includes the possibility that minimal communication with the service provider can be beneficial to the owner if the device is lost. Thus, the Official Notice fails to cure the deficiency of Oommen and Kerdraon. Further, Assignee respectfully requests that a reference(s) be provided which allegedly discloses that which is currently addressed in the Official Notice.

Finally, Agarwal cannot cure the deficiencies of Oommen. Agarwal teaches an apparatus, method and system for providing a default mode for authentication failures in a mobile telecommunication network. *See* Agarwal, abstract. In doing so, when the authentication procedure has resulted in an authentication failure, the originating MSC informs the HLR/AC, which then determines what default modes should be instituted, and transmits a message to the originating MSC to deny the mobile unit access to the network. *See* Agarwal, col. 2, lines 48-53. “The originating switching center is also configured to route the call leg to a customer service center”. *See* Agarwal, col. 2, lines 57-59. However, in Agarwal the connection to the customer service center is in response to an authentication failure. There is nothing in Agarwal which teaches or fairly describes a deny database, much less wherein access is denied to network services other

than customer services upon the device identifier appearing in the deny database.

Therefore, Agarwal fails to cure the deficiencies of Oommen. For at least this reason, the rejection should be withdrawn.

Because, the combination of Oommen, Kerdraon, and Agarwal, cannot properly be used to reject the independent claims, dependent claims 24 and 25, which depend therefrom, also are patentably distinct from any prior art of record. For this reason, Assignee respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 2 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Kerdraon and further in view of Wen et al. (US PG Pub. No. 2003/0126209). It is asserted that Oommen and Kerdraon disclose substantially the subject disclosure as claimed but for extracting an IMEI from the message. It is further asserted that Wen discloses these features and that it would have been obvious to combine. Assignee respectfully traverses.

With respect to independent claims 1 and 10, neither Oommen, nor Wen, nor any other related art of record, alone or in combination, discloses or fairly suggests the subject disclosure as recited in the pending claims. For example, Oommen and Wen fail to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These features are recited in independent claims 1 and 10 and are supported, for example, in paragraphs [0054], [0076] and [0077] of the disclosure, as published. Claims 2 and 12 depend from claim 1 and 10, respectively, and necessarily incorporate every feature of independent claims 1 and 10. For the foregoing reasons in favor of patentability with respect to claims 1 and 10, Kerdraon does not qualify as a reference. For the foregoing

reasons in favor of patentability with respect to claims 1 and 10, Oommen fails to disclose these features.

Furthermore, Wen cannot cure the deficiencies of Oommen. Wen teaches a network client service system and a method for the same are applied to an Internet environment for accomplishing connection between distant-end users according to data of geographic locations corresponding to TCP/IP addresses of servers and the distant-end users. *See* Wen, abstract. In doing so, Wen uses servers corresponding to geographic regions where users are located to provide forms of homepages to the users for facilitating collection of user data, and connection between different distant-end users served by a single server or different servers to be accomplished over a network, so as to allow the distant-end users to perform data transfer and electronic commerce services with each other through the use of the network client service system and method. *Id.* However, there is nothing in Wen which teaches or fairly discloses wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. Therefore, Wen fails to cure the deficiencies of Oommen. For at least this reason, the rejection should be withdrawn.

In the outstanding Office Action, claims 19 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen, Kerdraon, and Agarwal. It is asserted that Chen discloses a system with all of the features of the subject disclosure as recited in the claims, but for extracting a device identifier from the message, including location information, or applying the device identifier to the deny database to deny access to the network services except for customer service. It is further alleged that Oommen, Kerdraon, and Agarwal disclose these

deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Assignee respectfully traverses.

With respect to independent claim 19, neither Oommen, nor Agarwal, nor Chen, nor any other related art of record, alone or in combination, discloses or fairly suggests the subject disclosure as recited in the pending claims. For example, Oommen, Agarwal, and Chen fail to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These features are recited in independent claim 19 and are supported, for example, in paragraphs [0054], [0076] and [0077] of the disclosure, as published. For the foregoing reasons in favor of patentability with respect to claims 1 and 10, Kerdraon does not qualify as a reference. For the foregoing reasons in favor of patentability with respect to claims 1 and 10, Oommen and Agarwal fail to disclose these features.

Furthermore, Chen cannot cure the deficiencies of Oommen and Agarwal. Chen discloses generating updates of firmware/software components in electronic devices. *See Chen*, ¶ [0023]. Chen discloses a server within the communication network associating the information identifying the mobile electronic device with the subscriber-related information from the SIM card. *See Chen*, ¶ [0057]. However, Chen does not teach wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. At most, Chen teaches detecting that the SIM card in the mobile electronic device has been changed. *Id.* Therefore, Chen fails to cure the deficiencies of Oommen and Agarwal. For at least this reason, the rejection should be withdrawn.

Because, the combination of Oommen, Kerdraon, Agarwal, and Chen cannot properly be used to reject the independent claim 19, dependent claim 26, which depends therefrom, also is patentably distinct from any prior art of record. For this reason, Assignee respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (US PG Pub. No. 2005/0153741) in view of Oommen, Kerdraon, Agarwal, and further in view of Wen. It is asserted that Chen as modified by Oommen, Kerdraon, and Agarwal discloses a system with all of the features of the subject disclosure as recited in the claims but for extracting an IMEI from the message. It is further alleged that Wen discloses this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Assignee respectfully traverses.

With respect to independent claim 19, neither Oommen, nor Agarwal, nor Wen, nor Chen, nor any other related art of record, alone or in combination, discloses or fairly suggests the subject disclosure as recited in the pending claims. For example, Oommen, Agarwal, Wen, and Chen fail to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These features are recited in independent claim 19 and are supported, for example, in paragraphs [0054], [0076] and [0077] of the disclosure, as published. Claims 21 and 22 depend from claim 19, and necessarily incorporate every feature of independent claims 19. For the foregoing reasons in favor of patentability with respect to claims 1 and 10, Kerdraon does not qualify as a reference. For the foregoing reasons in favor of patentability with respect to claims 1 and 10, Oommen and Agarwal fail to

disclose these features. For the foregoing reasons in favor of patentability with respect to claims 2 and 12, Wen fails to disclose these features. For the foregoing reasons in favor of patentability with respect to claim 19, Chen fails to disclose these features. For at least this reason, the rejection should be withdrawn.

Claims 3, 8-9, 11, and 17 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Oommen in view of Kerdraon and Wen, and further in view of Chen. It is asserted that Oommen as modified by Kerdraon and Wen teaches substantially the same subject disclosure as recited in the pending claims but for setting network access permission according to the device status for a device corresponding to the device identifier. It is further asserted that Chen discloses these features and thus the combination of Oommen, Wen, and Chen would render the pending claims as obvious. Assignee respectfully traverses.

With respect to independent claims 1 and 10, neither Oommen, nor Wen, nor Chen, nor any other related art of record, alone or in combination, discloses or fairly suggests the subject disclosure as recited in the pending claims. For example, Oommen, Wen, and Chen fail to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These features are recited in independent claims 1 and 10 and are supported, for example, in paragraphs [0054], [0076] and [0077] of the disclosure, as published. Claims 3, 8-9, 11, and 17 depend from independent claims 1 and 10, respectively, and necessarily incorporate every feature of independent claims 1 and 10. For the foregoing reasons in favor of patentability with respect to claims 1 and 10, Kerdraon does not qualify as a reference. For the foregoing reasons in favor of patentability with respect to

claims 1 and 10, Oommen fails to disclose these features. For the foregoing reasons in favor of patentability with respect to claims 2 and 12, Wen fails to disclose these features. For the foregoing reasons in favor of patentability with respect to claim 19, Chen fails to disclose these features. For at least this reason, the rejection should be withdrawn.

In the outstanding Office Action, claims 5, 6, 14, and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Oommen in view of Kerdraon, Agarwal, and Wen, and further in view of Corrigan et al. (US PG Pub. No. 2002/0187775). It is asserted that Oommen as modified by Kerdraon, Agarwal, and Wen teaches substantially the same subject disclosure as recited in the pending claims but for receiving the message via a Short Message Peer to Peer Interface. It is further asserted that Corrigan discloses this feature and thus the combination of Oommen, Kerdraon, Agarwal, Wen, and Corrigan would render the pending claims as obvious. Assignee respectfully traverses.

With respect to independent claims 1 and 10, neither Oommen, nor Agarwal, nor Wen, nor Corrigan, nor any other related art of record, alone or in combination, discloses or fairly suggests the subject disclosure as recited in the pending claims. For example, Oommen, Agarwal, Wen, and Corrigan fail to disclose, among other things, wherein access is denied to network services other than customer services upon the device identifier appearing in the deny database. These features are recited in independent claims 1 and 10 and are supported, for example, in paragraphs [0054], [0076] and [0077] of the disclosure, as published. Claims 5, 6, 14, and 15 depend from independent claims 1 and 10, respectively, and necessarily incorporate every feature of independent claims 1 and 10. For the foregoing reasons in favor of patentability with respect to claims 1 and 10, Kerdraon does not qualify as a reference. For the foregoing reasons in favor of

patentability with respect to claims 1 and 10, Oommen and Agarwal fail to disclose these features. For the foregoing reasons in favor of patentability with respect to claims 2 and 12, Wen fails to disclose these features.

Furthermore, Corrigan cannot cure the deficiencies of Oommen, Agarwal, and Wen. Corrigan discloses an access node having a portal, which performs interfacing between a wireless network domain and content/service providers in the Internet. *See* Corrigan, abstract. In no way does Corrigan disclose interacting with a deny database including a list of devices to deny access to network services. Therefore, Corrigan fails to cure the deficiencies of Oommen, Agarwal, and Wen. For at least this reason, the rejection of the claims should be withdrawn.

No extension of time is believed to be necessary to enter this amendment. If any other fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Assignee respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the subject disclosure in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Assignee respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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